

PTO/SB/21 (04-07)

Approved for use through 03/30/2007. OMB 0651-0031

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10702.361	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>MAR 26 2008</b>
	Filing Date	November 6, 2003	
	First Named Inventor	Mollesa Lee Morlau	
	Art Unit	1615	
	Examiner Name	Bethany P. Barham	
Total Number of Pages in This Submission	22	Attorney Docket Number	A01492

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Rohm and Haas Company		
Signature	<i>Thomas D. Rogerson</i>		
Printed name	Thomas D. Rogerson		
Date	March 26, 2008	Reg. No.	38602

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	<i>Thomas D. Rogerson</i>		
Typed or printed name	Thomas D. Rogerson	Date	March 26, 2008

This collection of information is required by 37 CFR 1.5. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (07-07)

Approved for use through 06/30/2010. OMB 0851-0032

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**  
**For FY 2007**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

**Complete if Known**

Application Number	10/702,361
Filing Date	November 6, 2003
First Named Inventor	Melissa Lee Merlau
Examiner Name	Bethany P. Barham
Art Unit	1615
Attorney Docket No.	A01462

**RECEIVED**  
**CENTRAL FAX CENTER****MAR 26 2008****METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 18-1850 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

360

180

Total Claims Extra Claims Fee (\$)

Multiple Dependent Claims

- 20 or HP = x =

Fee (\$)

Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): 37CFR41.20(b)(2) - Filing a Brief in support of an appeal

510.00

**SUBMITTED BY**

Signature	<i>Thomas D. Rogerson</i>	Registration No. (Attorney/Agent)	38802	Telephone	215-619-1569
Name (Print/Type)	Thomas D. Rogerson	Date	March 26, 2008		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**MAR 26 2008**

**GROUP ART UNIT: 1615**  
**APPEAL NO. \_\_\_\_\_**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

**APPEAL BRIEF**

**In re the Application of Melissa Lee Merlau et al.**

**Filed November 6, 2003**

**Serial No. 10/702,361**

**For**

**DURABLE HOLD HAIR STYLING COMPOSITIONS**  
**AND METHOD OF USE**

**Thomas D. Rogerson**  
*Attorney for Appellants*

**Bethany P. Barham**  
*Examiner*

**Enclosed:**  
**Transmittal Form**  
**Fee Transmittal Form**

03/26/2008 PCHOMP 00000040 181850 10702361  
01 FC:1402 510.00 DA

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RECEIVED  
A01462 CENTRAL FAX CENTER  
MAR 26 2008

Mail Stop Appeal Brief - Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
DN A01462

In re application of: M. Merlau et. al.

Serial No.: 10/702,361 : Group Art Unit: 1615  
Filed: 11/06/2003 : Examiner: B. P. Barham  
For: Durable Hold Hair Styling Compositions and Method of Use

Mail Stop Appeal Brief  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
Dear Sir:

**APPEAL BRIEF**

This is an appeal from the Final Rejection dated September 5, 2007 finally rejecting claims 1 and 7. Claims 1 and 7 are being appealed, claims 8 and 9 having been withdrawn from consideration but subject to rejoinder. The appealed claims are set out in Appendix J. Appellants filed a Notice of Appeal pursuant to 37 C.F.R. § 1.191 on January 28, 2008.

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**(C) Real Party In Interest**

The owner of the present application and the invention contained therein is  
ROHM AND HAAS COMPANY.

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**(D) Related Appeals, Interferences or Judicial Proceedings**

No appeals, interferences or judicial proceedings are known to Appellants, the Appellants' legal representative, or the assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

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**(E) Status Of Claims**

The status of the claims is as follows:

Claims pending: 1 and 7

Allowed claims: none

Claims objected to: none

Claims canceled: 2 through 6

Claims rejected: 1 and 7

Claims on appeal: 1 and 7

Claims withdrawn from consideration by the Examiner: 8 and 9.



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**(F) Status Of Amendments**

No amendments were filed subsequent to Final Rejection.

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**(G) Summary of Claimed Subject Matter**

**Claim 1.** The present invention provides a composition comprising two individual polymers which provides flexibility and durability to a hair style while retaining other beneficial hair fixative properties [Page 2, lines 15-18]:

- a) a first polymer or polymer mixture with a glass transition temperature ("Tg") from 75° C to 130° C; [Page 3, lines 18-19]
- b) a second polymer or polymer mixture with a Tg from 20° C to 35° C [Page 3, lines 19-21]; and
- c) one or more cosmetically acceptable solvents; Page 2, line 22; Page 9, lines 1-9]

wherein when the first polymer or polymer mixture and the second polymer or polymer mixture are dissolved together in a cosmetically acceptable solvent, which may be the same as or different than the solvent in c), and then dried to form a film, the film has a tensile storage modulus at 20° C of from  $1 \times 10^{10}$  Pascal to  $1 \times 10^8$  Pascal and a storage modulus at 70° C of from  $1 \times 10^9$  Pascal to  $1 \times 10^6$  Pascal; [Page 2, lines 25-30; Page 5, lines 25-29] and

wherein the first polymer and the second polymer are independently selected from block, graft, and branched homopolymers and copolymers derived from one or more monomers [Page 3, lines 25-27] selected from methacrylic acid; acrylic acid; methacrylate esters, acrylate esters, styrene, substituted styrenes, vinyl esters of organic acids, N-vinyl compounds, acrylamide; methacrylamide; substituted acrylamides, amine-functional acrylamides, substituted methacrylamides; hydroxylalkyl methacrylates, hydroxylalkyl acrylates, dienes, vinyl ethers, acid containing monomers, and functional monomers selected from maleic acid, maleic anhydride, fumaric acid,  $\alpha$ -methylene glutaric acid, itaconic acid, itaconic anhydride, citraconic acid, mesaconic acid, cyclohexenedicarboxylic acid, 2-acrylamido-2-methylpropanesulfonic acid, monoacryloxyethyl, and water-soluble salts thereof. [Page 3, line 31 to Page 4, line 14]